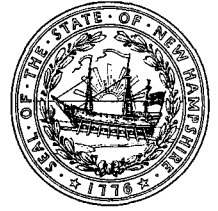




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Franchi Management Company, Inc.
Attn: Mr. Pasquale Franchi, President
182 West Central Street, Suite 303
Natick, Massachusetts 01760

Re: Meadow Green Subdivision
A.k.a. Meadow View Village Subdivision,
Bartlett, New Hampshire
Site Specific Permit WPS-4889-C

**ADMINISTRATIVE ORDER
No. WD 05 - 021**

July 7, 2005

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division to Franchi Management Co., Inc., pursuant to RSA 485-A:22. This Administrative Order is effective immediately upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 29 Hazen Drive, Concord, NH 03301.
2. Franchi Management Company, Inc. ("Franchi") a Massachusetts corporation registered to do business in New Hampshire, having a mailing address of 182 West Central Street, Suite 303, Natick, MA 01760.

C. STATEMENT OF FACTS AND LAW

1. Pursuant to RSA 485-A:17, DES regulates significant alteration of terrain and erosion control through a permit program. Pursuant to RSA 485-A:6, VIII, DES has adopted NH Administrative Rules Env-Ws 415 to implement this program.
2. RSA 485-A:17 requires any person who proposes to significantly alter the terrain to obtain a permit from DES prior to initiating the work.
3. On August 19, 1997, DES issued Site Specific/Alteration of Terrain Permit WPS-4889 (the "Permit") to Meadow Green Realty Trust ("MGRT") for construction of a 16-lot residential subdivision with associated grading for the road and detention ponds ("Meadow Green").

4. The approved plans and supporting documentation (the "Approved Plans") are incorporated into the Permit by Env Ws 415.13(b) and Condition No. 4 of the Permit.
5. On May 11, 1999, a plan for Meadow Green was recorded at the Carroll County Registry of Deeds on Page 61 of Plan Book 166 on a plan entitled "Meadow View Village, a 16-lot subdivision for Meadow Green Realty Trust II" ("MGRT II").
6. DES has no record of a request to change the name of the subdivision on the Permit from Meadow Green to Meadow View Village. Therefore, Meadow Green and Meadow View Village will be used synonymously in this Order.
7. DES has no record of a request to change the name on the Permit from MGRT to MGRT II. Therefore, MGRT and MGRT II will be used synonymously in this Order.
8. Env-Ws 415.09(i) requires the use of temporary and permanent methods for preventing soil erosion.
9. Env-Ws 415.09(k) requires the use of temporary and permanent methods for controlling runoff.
10. Section F on Sheet 5 of 5 of the Approved Plans defines established vegetation as having . . . "a minimum of 90% of areas vegetated with vigorous growth." and that reseedling shall be carried out until vegetation is adequately established.
11. Section D.4 on Sheet 5 of 5 of the Approved Plans states: "Erosion control mesh shall be applied in slope areas equal to 3:1 or greater over all finish seeded areas."
12. Note 2 on Sheet 2 of 5 of the Approved Plans states: "Install stone check dams within road ditches and concentrated drainage ways to assist in the prevention of erosion . . ."
13. Env-Ws 415.09(j) requires construction phasing and sequencing, including methods for limiting the length of time unstabilized soils are exposed.
14. Section C.1 on Sheet 5 of 5 of the Approved Plans states that in the post-construction phase: "Areas that will not be completed (covered and/or finish graded) within seven (7) days of disturbance shall be anchored with temporary erosion control measures within seven (7) days of disturbance."
15. Env-Ws 415.02(f) states: " 'Earth moving' means filling, grading, dredging, mining, excavation, construction, removal of topsoil or any other activity that results in a change to the preexisting ground conditions."
16. On August 12, 1999, DES issued amended Permit WPS-4889-A to MGRT. The amendment consisted of a two year Permit extension.

17. On August 30, 1999, DES personnel inspected Meadow Green. During the inspection it was documented that Ponds 100, 300 and 400 had not been constructed.

DES prepared a written inspection report that included these deficiencies. The report also included a request that L. A. Drew, Inc. ("Drew") submit a schedule for completion of Ponds 100, 300 and 400 to DES by September 14, 1999. The inspection report was signed by a representative for Drew, and a copy was given to the representative.

18. On September 14, 1999, DES received a letter from Drew that included a schedule for completion of Ponds 100, 300 and 400. The letter stated that: "Pond #400 has been subgraded and pond #100 needs a little more work to be completed to subgrade it and to finalize the grades on the uphill slope. Pond #300 is in a completely undisturbed area now and will be completed after the former two ponds are completed and stabil-ized." [sic]

19. On October 14, 1999, DES personnel inspected Meadow Green and observed the following:

- a. Pond #400 had been constructed and stabilized.
- b. Pond #100 had not been completed and stabilized, and
- c. Construction of Pond #300 had not started.

A representative of Drew said he would call DES when Pond #100 was completed. DES has no record that Drew made this call.

20. On November 9, 2000, a Warranty Deed from MGRT II was recorded on Page 007 or Book 1891 at the Carroll County Registry of Deeds. Said deed conveyed Meadow View Village to Franchi.

21. Env-Ws 415.18 and Condition 2 of the Permit, requires the new owner of a project to notify DES within ten days of a change in ownership and submit the pertinent information.

DES has no record that Franchi either notified DES of a change in ownership or submitted the pertinent information for Meadow Green.

22. On or about July 5, 2002, DES, received a complaint that Pond 300 and its associated swales shown on the Approved Plans had not been constructed. The complainant stated that uncontrolled storm water runoff from Meadow Green had drained onto an adjacent property to the south owned by the Murnicks. It was also reported that sediments had been transported from Meadow Green onto another adjacent property to the south owned by the Briggs.

23. On July 12, 2002, DES personnel inspected Meadow Green with Tom Caughey, a representative for Franchi. During the inspection, it was documented that Pond 300 and its associated drainage structures and swales had not been constructed, as required by the Permit.

Also, during the inspection DES personnel did not observe any evidence that sediments had been transported from Meadow Green onto the Briggs property; however, it was noted that a drainage ditch downgradient of Alpstrausse Road in the Town of Bartlett extends onto the Murnick property and then ends. Downgradient of the end of the ditch, sediment deposits were observed

on the Briggs property. These observations were reported to two Selectmen for the Town of Bartlett.

24. On July 18, 2002, DES issued Letter of Deficiency WD-WQE 02-06 to MGRT. The deficiencies cited in the Letter of Deficiency are as follows:

“(1) Detention Pond #300 and its associated structures and swales (“The Pond”) had not been constructed as required by Site Specific Permit #WPS-4889-A (“The Permit”).

(2) The Permit required to build the Pond had expired on August 19, 2001.”

25. The Letter of Deficiency also stated: “DES believes that the cited deficiencies can be corrected by:

1. Applying for and obtaining a Site Specific Permit prior to constructing the Pond.
2. Constructing and stabilizing the Pond and its associated structures and swales in accordance with the approved plans, prior to September 15, 2002.”

26. On July 23, 2002, MGRT received the Letter of Deficiency as evidenced by signature on the associated certified mail return receipt.

27. DES received a letter from Mr. Franchi, dated November 11, 2002, in which he stated that Pond 300 had been constructed in accordance with the Approved Plans.

28. On March 14, 2003, DES issued amended Permit WPS-4889-C to MGRT. The amendment reflected further subdivision of Meadow Green to create lots 14A, 14B, 17, 18, 19 and 20.

29. On April 24, 2003, DES personnel inspected Meadow Green and documented the following deficiencies:

- a. Widespread seepage upslope of Pond 300.
- b. Severe erosion upslope of Pond 300, and
- c. Erosion of the berm associated with the swale south of Pond 300

30. After the April 24, 2003 inspection, DES personnel met with Mr. Murnick and inspected his property. He alleged that storm water runoff from Meadow Green was causing erosion on his property.

During the inspection, DES personnel did not observe any evidence that runoff from Meadow Green had drained onto the Murnick property and caused erosion. However, sediment deposits were observed on the Murnick property at the terminus of the drainage ditch that is downgradient of Alpstrausse Road.

31. DES prepared a written inspection report that documented the observations made on April 24, 2003. A copy of this report was given to an employee of the Town of Bartlett.

32. On April 29, 2003, DES personnel met Mr. Caughey, Mr. Franchi's surveyor, and a Selectman for the Town at Meadow Green. The purpose of the meeting was to evaluate erosion and storm water runoff problems reported to the Town.

33. During the April 29, 2003 inspection, DES personnel documented the following deficiencies at Meadow Green:

- a. Seepage downslope of Pond 300.
- b. Erosion downslope of Pond 300.
- c. Erosion on the common drive downslope of Pond 300, and
- d. Sediment accumulations in the culverts.

DES personnel asked Mr. Caughey to correct these deficiencies as well as those observed on April 24, 2003.

34. On September 2, 2003, DES personnel conducted an inspection of Meadow Green with Mr. Caughey. During the inspection, DES personnel observed that the deficiencies documented on April 24 and 29, 2003 had been corrected.

35. During the September 2, 2003 inspection, DES personnel documented additional deficiencies as follows:

- a. An area of approximately 600 square feet north of Pond 300 had not been adequately vegetated and had eroded, and
- b. A portion of the southeast slope of Pond 300 had eroded.

DES personnel asked Mr. Caughey to correct these deficiencies and submit photographs of the corrections to DES when they had been completed.

36. On September 29, 2003, DES received photographs from Mr. Caughey showing the deficiencies observed on September 2, 2003 had been corrected.

37. In a letter to Mr. Franchi, dated October 1, 2003, DES stated: "As a result . . . [of a DES inspection on September 2, 2003], a Site Specific Permit renewal dated October 11, 2002 and receipt of photographs of corrective work on the site, it was determined that the deficiencies noted in our letter of July 18, 2002 had been corrected."

38. On October 31, 2003, DES received a report from District One of the NH Department of Transportation (DOT), that storm water runoff from Meadow Green had caused drainage problems along Route 16A downgradient of Pond 300, and that seepage was observed emanating from the ground downgradient of the pond.

Also, during a telephone conversation on this date, DOT personnel stated that the agency had not been provided with complete information about the total number of lots in Meadow Green and the associated drainage system. DES offered to review the Approved Plans with DOT, and also suggested that DOT contact Mr. Franchi to discuss drainage and permitting issues within the jurisdiction of DOT.

39. On December 19, 2003, DES received a report that drainage from Pond 300 overtopped a ditch along the easterly side of Route 16A, and flooded a downstream property west of Route 16A, known as "Perry's Motel," after a heavy rainstorm. In response to this report, DES personnel inspected Meadow Green once again.

During the inspection, DES personnel observed thick sediment deposits on the Briggs property, on the ice in Pond 300, and on Perry's Motel property.

40. On February 26, 2004, DES received a report that site work was in progress upslope of Pond 300.

41. On February 27, 2004, DES personnel inspected Meadow Green and observed earth-moving activities in progress for construction of a section of water line located upgradient and east of Pond 300 (the "Water Line").

Mr. Franchi and Mr. Caughey were present during the inspection, and DES personnel asked them to stabilize the disturbed area and install erosion control devices.

42. On March 10, 2004, DES personnel met with the following people to discuss erosion and storm water runoff problems reportedly associated with Meadow Green: Three representatives of DOT, two Selectmen for the Town of Bartlett, Mr. Caughey, the owners of Perry's Motel and their attorney, and Mr. Murnick.

43. After the meeting of March 10, 2004, the participants inspected Meadow Green. During the inspection, the following deficiencies were observed:

- a. Soil erosion was observed on the slopes north and east of the southerly swale that drains to Pond 300.
- b. A thick layer of sediments had been deposited in the southerly swale.
- c. DES personnel determined from the pattern of erosion on- and off-site that storm water runoff had exceeded the capacity of the southerly swale, overtopped its channel banks, and caused erosion and sedimentation on the Briggs property, and
- d. The riser pipe of Pond 300 had not been built in accordance with Approved Plans.

DES personnel asked Mr. Caughey to correct the deficiencies, and submit an as-built plan for Pond 300.

44. On April 2, 2004, DES and DOT personnel inspected Meadow Green during a rain- storm and documented the following:

- a. The temporary erosion and sediment control measures that had been installed in the area of the Water Line were not preventing erosion and sedimentation.
- b. The soils disturbed to construct the Water Line had not been stabilized.
- c. A large volume of water was discharging through a culvert downstream of Pond 100, at approximately Station 2 + 10 of the lower road of Meadow Green (Road #2), and then flowing in an uncontrolled manner across the area of the unstabilized Water Line. This area had been severely eroded and was observed eroding during the inspection. As a result, sediment-laden water was draining into Pond 300.
- d. Uncontrolled runoff flowing across the area of Water Line construction and seepage from slopes north and east of Pond 300 were causing erosion of the slopes upgradient of Pond 300.
- e. DES personnel determined from the pattern of erosion and sedimentation that runoff across the Water Line and seepage from slopes north and east of Pond 300 caused erosion of the slopes near the inlet of Pond 300 and sediments to be deposited in Pond 300, thus reducing its storage capacity.
- f. A slope just upgradient of the southeast corner of Pond 300 exhibited significant erosion. Sediment-laden water from this area was draining into Pond 300.
- g. The lower section of the southerly swale that drains to Pond 300 was eroded. Sediment-laden water was draining from this area into Pond 300.
- h. Seepage was emanating from the ground below the downhill slope/dam of Pond 300.
- i. Sediment-laden water was draining out of Pond 300 into a ditch along the east side of Route 16A, through a culvert under Route 16A, and then onto the Perry's Motel property, and
- j. The sides of the ditch along the east side of Route 16A were undermining and collapsing.

45. On April 21, 2004, DES received a written report that the drainage system on Meadow Green had failed due to a rainstorm in December 2003; as a result, silt and water entered the Briggs property.

46. On May 21, 2004, DES personnel inspected Meadow Green and documented that the deficiencies observed on March 10, 2004 had not been corrected.

47. On August 2, 2004, DES issued Letter of Deficiency WD WQE 04-08 to Franchi. The Letter of Deficiency cited deficiencies noted by DES and DOT personnel between October 31, 2003 and April 2, 2004, and included, but were not limited to:

1. Soil erosion and unstabilized soil within Meadow Green;
2. Inadequate temporary erosion and sediment controls during construction activities;

3. Deposition of sediment into Pond 300 and the swale located to its south;
4. Deposition of sediment on abutting properties; and
5. The outlet structure to Pond 300 was not constructed in accordance with the Approved Plans.

The Letter of Deficiency included requests for an as-built survey of Ponds 100 and 300 and their associated outlet structures, proposed corrective actions to correct the cited deficiencies, and a time schedule for implementing such actions,. The Letter of Deficiency is on file at DES.

48. On August 6, 2004, Franchi received the Letter of Deficiency as evidenced by signature on the associated certified mail return receipt.

49. On August 19, 2004, DES received a letter from Mr. Franchi. In the letter, Mr. Franchi stated that he contacted Sebago, and that "They have requested an extension of 30 extra days for them to review the deficiencies and to comply with your recommendations." DES did not agree to this extension.

50. On August 31, 2004, DES received a complaint that the Perry's Motel property was flooded after a significant rain event. Included with the report were photographs taken at Meadow Green on this date. The photographs showed severe erosion in the area of the Water Line, heavy sediment deposits in Pond 300 where the inlet to the pond discharges, and sediment-laden water in Pond 300.

51. In response to the complaint of August 31, 2004, DES personnel inspected Meadow Green on September 2, 2004, and observed that the site was still in a condition susceptible to erosion.

52. As of September 5, 2004, 30 days after Franchi received the Letter of Deficiency, DES had not received the information requested in the Letter of Deficiency.

53. On September 9, 2004, DES personnel inspected Meadow Green and surrounding areas during a rain storm. Observations made during the inspection included:

- a. Widespread soil erosion on a lot upgradient of Pond 100.
- b. Sediment-laden water draining from the subject lot into a roadside ditch and then into Pond 100.
- c. A significant flow of water in the ditch along the east side of Route 16A just north of the common drive for Meadow Green Lots 15 and 16.
- d. Soil erosion on the common drive for Meadow Green Lots 15 and 16, and sediment deposits downgradient of the eroded areas, adjacent to Route 16A.
- d. Clear water flowing out of Pond 300 into a ditch along the east side of Route 16A , through a culvert under Route 16A, and then onto the Perry's Motel property.
- e. Both corners of Alpstrausse Road at its intersection with east side of Route 16A had eroded.

f. Sediment-laden water flowing in the ditch along the east side of Route 16A, downgradient of Alpstrausse Road, draining through a culvert under Route 16A, and then onto the property of Perry's Motel.

54. On September 21, 2004, DES personnel met two representatives for Sebago at Meadow Green for an inspection. The purpose of the inspection was to review the deficiencies cited in the Letter of Deficiency, and to discuss possible corrections.

55. October 5, 2004 was the deadline for completion of the corrective measures requested by DES in the Letter of Deficiency.

56. On November 10, 2004, DES left a voice mail for Mr. Franchi. The message included a statement that due to lack of a timely response to the Letter of Deficiency, DES was considering enforcement action(s) against Meadow Green. DES requested a return call on November 15, 2004, the date Mr. Franchi was scheduled to return to his office.

57. On November 15, 2004, Mr. Franchi left a voice mail for DES. In the message, Mr. Franchi said he had spoken with Sebago. Reportedly, Sebago stated that a letter response to the Letter of Deficiency would be sent by fax to DES on November 15, 2004, and that the plans requested by the Letter of Deficiency would be sent by mail. DES received a letter from Sebago via FAX on November 15, 2004.

58. On November 16, 2004, DES telephoned Mr. Franchi. During the conversation, DES informed Mr. Franchi that the letter sent to DES by Sebago did not include the details necessary to evaluate the proposed corrective measures, and that the requested plans were also necessary for this evaluation. Mr. Franchi said he would "keep on" Sebago to get the necessary information.

As of March 15, 2005, DES had not received the additional information or plans requested in the Letter of Deficiency. In a letter to Mr. Franchi, dated March 15, 2005, DES included a copy of Letter of Deficiency WD WQE 04-08 dated August 2, 2004, and informed Mr. Franchi that DES had not received the requested information and requested that the information be submitted within two weeks.

59. On March 22, 2005, Franchi received the DES letter dated March 15, 2005, as evidenced by signature on the associated certified mail return receipt.

60. On March 25, 2005, DES received a letter from Mr. Franchi. In the letter, Mr. Franchi stated that he had met with Sebago, and that he believed a letter from Sebago would be forthcoming.

61. On April 5, 2005, DES received a report from DOT regarding drainage and erosion problems downstream of Pond 300. According to the report, the drainage and erosion problems were being experienced in a roadside ditch on the east side of Route 16A and on Perry's Motel property. The observations were made soon after heavy rains in the area on April 2 and 3, 2005.

62. On April 7, 2005, DES personnel inspected the property and observed widespread erosion on a lot that drains to Pond 100.

63. As of May 2, 2005, Franchi was the owner of property located in Meadow View Village, and identified as Lots H07, H16, H17 and H18, Block 101, Town of Bartlett, NH Tax Map 1RT16A.

64. In a letter dated May 16, 2005, with an attached plan, Sebago responded to the Letter of Deficiency by providing a description of proposed corrective actions to address erosion and sedimentation at Meadow Green and an incomplete as-built survey of Ponds 100 and 300 and their associated outlet structures. The as-built survey did not provide all of the information requested by the Letter of Deficiency.

65. On June 13, 2005, the DES received two untitled plans showing the results of an as-built survey of Ponds 100 and 300. The as-built survey did not contain information to indicate the dimensions of the openings to the outlet structures and contained many survey elevation points and identifying labels which overlapped themselves in such a manner to make significant portions of the plans illegible.

D. DETERMINATION OF VIOLATIONS

1. Franchi has violated RSA 485-A:17 and Env Ws 415.13(b) by not constructing the riser pipe of Pond 300 in accordance with Approved Plans.
2. Franchi has violated RSA 485-A:17, Env Ws 415.09(i) and) by failing to install adequate erosion control measures at Meadow Green in accordance with the Approved Plans.
3. Franchi has violated RSA 485-A:17, Env Ws 415.09(k) and Env Ws 415.13(b) by failing to implement adequate temporary and permanent methods for controlling runoff at Meadow Green in accordance with the Approved Plans.
4. Franchi has violated RSA 485-A:17, Env Ws 415.09(j) and Env Ws 415.13(b) by failing to stabilize areas within Meadow Green in the post-construction phase within 7 days of disturbance in accordance with the Approved Plans.
5. Franchi has violated RSA 485-A:17 and Env-Ws 415.18, by failing to notify DES of a change in ownership of Meadow Green, and by not submitting the pertinent information.

E. ORDER

Based on the above findings, DES hereby orders Franchi as follows:

1. **Immediately cease and desist** from any earth moving activities on all portions of Meadow Green and its easements, except the lots owned by others, and except as necessary to stabilize the site and control runoff pursuant to this Order.
2. **Within 15 days of the date of this Order**, submit to DES, in writing, change of ownership information for Meadow Green as required by Env-Ws 415.18.

3. **Within 15 days of the date of this Order**, submit a report (the “Engineer’s Report”) to DES that includes:

a. An as-built plan for Ponds 100 and 300 and their associated structures. The as-built plans shall:

1) Include pond dimensions and elevations, and a complete description of the openings and elevations of the outlet structures;

2) Be stamped by a Professional Engineer licensed in the State of New Hampshire (“PE”).

b. A modified hydrologic study, utilizing the previously performed hydrologic study, for the 2-, 10-, and 25-year storm events, incorporating the as-built conditions of the ponds and their outlet structures; and

c. An evaluation of the effectiveness of the ponds to control storm water flows relative to the original design intent, and proposed modifications, if any.

After the Engineer’s Report has been reviewed and approved by DES, it shall be incorporated into an amended Permit.

4. **Within 15 days of the date of the amended Permit**, implement all corrective measures recommended in the Engineer’s Report relative to Ponds 100 and 300 and their associated structures.

5. **Within 15 days of the date of this Order**, implement all corrective measures, except modifications to Pond 100 and 300 outlet structures, identified in Sebago’s May 16, 2005 letter and attached plan.

6. **Prior to implementing the corrective measures identified in Sebago’s May 16, 2005 letter and attached plan**, Franchi shall:

a. Retain a PE or a Certified Professional in Erosion and Sediment Control (“CPESC”) to monitor all portions of Meadow Green, except the lots owned by others.

b. Notify DES, in writing, of the name and contact information of the PE or CPESC, and

c. Notify DES, in writing, of the date corrective activities will commence.

7. **From the commencement of corrective activities until they are completed**, Franchi shall contract with the PE or CPESC to perform the following activities:

a. Conduct inspections at least once every 7 days **and within** 24 hours of a ½ -inch rain event (i.e. ½ inch of precipitation within a 24 hour period).

b. Provide technical assistance and recommendations to the contractor performing the corrective actions.

c. Submit a report to DES **within 24 hours** of each inspection. The PE or CPESC's report shall:

- 1) Include the status of **each** corrective measure in the Engineer's Report and Sebago's May 16, 2005 letter and attached plan, **and** the timetable for completion of these items.
- 2) Include a description of additional erosion, sedimentation, stabilization, drainage and runoff deficiencies observed during the inspection.
- 3) Include a list of proposed recommendations to correct additional deficiencies observed during the inspection, **and** the timetable for completion of these items, and
- 4) Be submitted to Denise Frappier via e-mail at: dfrappier@des.state.nh.us

8. **After completion of the corrective measures**, Franchi shall require the PE or CPESC to conduct an inspection **within 24 hours** of each of 3 separate ½ inch rain events **and** submit a report to DES **within 24 hours** of each inspection.

The PE or CPESC's reports for these 3 inspections shall:

- a. Include a description all erosion, sedimentation, drainage and runoff deficiencies, if any, observed during the inspection
- b. Include a list of proposed recommendations to correct the deficiencies observed **and** a proposed timetable for completion of these items, and
- c. Be submitted to Denise Frappier via e-mail at: dfrappier@des.state.nh.us

9. Franchi shall require **that** the PE or CPESC send **photographs and a written certification** to DES to document that all portions of Meadow Green, except the lots owned by others, meet the following standards, **within 7 days** of completion of all corrective measures above:

- a. Are in compliance with the Permit and by reference, the Engineer's Report and Sebago's May 16, 2005 letter and attached plan, and
- b. Are in a non-erosive condition. Stabilization can be attained by the establishment of a minimum of 90% vigorous, vegetative cover or other methods including, but not limited to stone or sod.

10. Submit correspondence, plans and calculations made in connection with this Order, **other than appeals** to DES as follows:

Denise Frappier, CPESC
Land Resources Management
DES Water Division
29 Hazen Drive - P.O. Box 95
Concord, NH 03302-0095

F. APPEAL

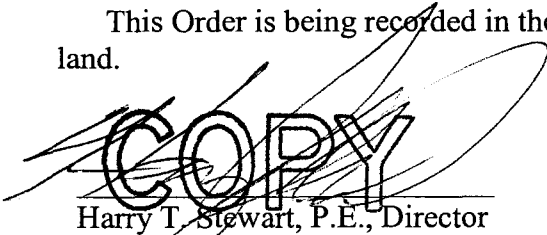
Any person aggrieved by this Order may appeal the Order to the New Hampshire Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>.

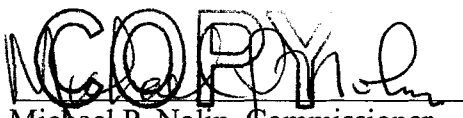
Appealing the Order will not automatically relieve Franchi of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485-A:22 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Franchi remains obligated to comply with all applicable requirements. DES will continue to monitor Franchi's compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Carroll County Registry of Deeds so as to run with the land.


Harry T. Stewart, P.E., Director
Water Division


Michael P. Nolin, Commissioner
Department of Environmental Services

CERTIFIED MAIL # 7099 3400 0003 0687 9768

ec: Gretchen R. Hamel, Legal Unit Administrator
James P. Martin, Public Information Officer, DES
Jennifer Patterson, NH DOJ
cc: Carroll County Registry of Deeds
Bartlett Board of Selectmen
Bartlett Planning Board
NHDOT, District One
Perry's Motel

R. Douglas Briggs

Mr. Murnick

Cooper, Deans & Cargill, PA, 2935 White Mountain Hwy., N. Conway, NH 03860 (*registered agent*)